



**Principals**  
 Richard Rehmann, GISP  
 Chris Rehmann, PE, CME, PP, PLS  
 Richard Heggan, PLS, PP  
 Robert Heggan, PLS, PP

May 24, 2021

Robert L. Reid, AICP, PP, Land Use Regulation Officer  
 Casino Reinvestment Development Authority  
 Division of Land Use and Regulatory Enforcement  
 15 S Pennsylvania Avenue  
 Atlantic City, NJ, 08401

Re: Land Use Application  
 Orange Deeds Entertainment Complex  
 161-205 S. New York Avenue & 120-142 St. James Avenue (Block 52, Lots 11-18, & 30-39)  
 Atlantic City, NJ, 08401  
 ARH File: 24-10040.03

Dear Mr. Reid:

**ARH ASSOCIATES** has received the above captioned Application for review. The Applicant seeks to amend the previously approved Major Site Plan to add a third floor to the proposed approximately 10,000 SF building, for a total of approximately 15,000 SF. The first floor will remain a retail use, while the second and third floor will be residential units. Additionally, the Applicant requests bulk variance approval for the building setback requirements and waivers from various design items.

Block 52, Lots 11-18, & 30-39 is in Atlantic City’s Resort Commercial (RC) Zoning District.

This report consists of a review of the Subject Application for conformance with Casino Reinvestment Development Authority checklists. Comments are limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing on this matter.

**I. OWNER & APPLICANT INFORMATION**

**OWNER/APPLICANT**

NY Orange Deeds, LLC  
 1005 Main Street  
 Asbury Park, NJ 07712  
 732-322-5523  
[patfasano@verizon.net](mailto:patfasano@verizon.net)

**II. SUBMITTALS**

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
CRDA Land Use Application	Nicholas F. Talvacchia, Esq.	4/26/2021	
Major & Minor Site Plan Checklists	Jason T. Sciuillo, PE., PP.	4/26/2021	
Site Plan	Jason T. Sciuillo, PE., PP.	4/21/2021	
Certified 200’ Property Owners List	Barbara Allen Woolley-Dillon, PP., AICP.	3/30/2021	
Certification of Paid Taxes	AC Tax Collector	3/29/2021	

**ARH Associates**

Corporate Headquarters – 215 Bellevue Avenue – PO Box 579 – Hammonton, NJ 08037 – 609.561.0482 – fax 609.567.8909  
 Bloomfield Office – 2 Broad Street – Suite 602 – Bloomfield, NJ 07003 – 973.337.8562 – fax 973.337.8876

[www.arh-us.com](http://www.arh-us.com)

### III. PLANNING REVIEW

#### A. Area & Bulk Standards (19:66-5.10)

ITEM	REQUIRED	EXISTING	PROPOSED	STATUS
MAXIMUM HEIGHT -PRINCIPAL -ACCESSORY	300 FT 35 FT	<300 FT N/A	40 FT < 35 FT	CONFORMING
MINIMUM LOT AREA	7,500 SF	53,325 SF	49,909 SF	CONFORMS (VARIANCE PREVIOUSLY GRANTED)
MINIMUM LOT DEPTH	150 FT	75 FT	75 FT	EXISTING NON- CONFORMING
MINIMUM LOT WIDTH	50 FT	336 FT	336 FT	CONFORMS
MINIMUM LOT FRONTAGE	50 FT	336 FT	336 FT	CONFORMS
MAXIMUM BUILDING COVERAGE	70%	40%	27.3%	CONFORMS
MAXIMUM IMPERVIOUS COVERAGE	80%	82% (LOTS 16-18 & 30)	84.7% (INCLUDES GRAVEL)	NON- CONFORMING
MINIMUM FRONT YARD	0' UP TO 35' IN HEIGHT	2.2 FT	0 FT	NON- CONFORMING (BUILDING HEIGHT IS 40')
MINIMUM SIDE YARD	0' UP TO 35' IN HEIGHT	0.5 FT	NO CHANGE	NON- CONFORMING (BUILDING HEIGHT IS 40')
MINIMUM REAR YARD	20 FT	N/A	5 FT	NON- CONFORMING
FLOOR AREA RATIO	N/A	N/A	N/A	-
OPEN SPACE	N/A	N/A	N/A	-
19:66-5.10(a) 1.iv (13) MAX. DENSITY	MID-RISE (2-10 FLOORS) 50 DU/AC	N/A	4 DU/AC	CONFORMS
19:66-5.8(b) MIN. PARKING	118	1	53	NON- CONFORMING
19:66-5.8 (c) LOADING	2	1	2	CONFORMS
19:66-7.7(a)1 FENCE IN FRONT YARD	NOT PERMITTED	6	6	EXISTING NON- CONFORMING
19:66-7.7(a)2 FENCE HEIGHT IN SIDE & REAR YARDS	8 FT	6 FT	6 FT	CONFORMS

**IV. COMPLETENESS REVIEW**

The following addresses conformance with the Board’s Checklists and does not reflect adequacy of submissions for review purposes. The correct number of copies are assumed to have been submitted. Column entries reflect **ARH’s** review of Applicant’s submissions.

***This office recommends that this Application be deemed Complete at this time. Applicant is asked to address submission deficiencies as follows:***

Major Preliminary Site Plan Checklist (Form #6)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application	X	X		
2	Payment of Required Application and Escrow Fees (19:66-3.4)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
6	Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any.	X	X		
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
8	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk’s Office, affidavit or other documentation evidencing ownership.)	X	X		
9	Consent of property owner to applicant to development project.	X	X		
10	FOR ADMINISTRATIVE REVIEW AND APPROVAL: Certification from Applicant’s licensed professional that the	X	N/A		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	development proposed meets all requirements and no variance or design waivers are requested. (19:66-4.6)				
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking requirements, including existing and proposed with conformity status of each.	X	X		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
13	Public Notice in compliance with NJSA 40:55D-12.	X	X		
14	North arrow, scale and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		
16	Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, beaches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.	X	X		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	X		
18	List of development stages or phases, if any.	X	X		
19	List of approvals or permits required by other regulatory	X	X		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	authorities having jurisdiction and the status of same.				
20	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. All elevations shall be based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, fences, stoops, stairs, porches, easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc. Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.	X		X (Provided Previously)	
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X	N/A	(Not Major Project Pursuant to NJAC 7:8)	
22	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all	X	X		

Land Use Application

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(ARH File: 24-10040.03)

Page 6

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	ingress and egress areas and dimensions.				
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1 foot intervals, stormwater management structures.	X	Applicant shall add a note stating that all handicap ramps and parking must ensure ADA compliance.		
24	Landscaping Plan, details and plant schedule (19:66-7.6)	X	X		
25	Lighting plan and details (19:66-7.10)	X	Applicant shall ensure new sidewalk area meets lighting requirements.		
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X	N/A		
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable and electricity and showing proposed connections to existing or any proposed utility systems.	X	N/A		
28	Road and paving cross-sections and profiles.	X	N/A		
29	Solid and liquid waste management plan.	X	N/A		
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X	N/A		
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	N/A		
32	Electronic copy of the full application including application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		

Major Final Site Plan Checklist (Form #7)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application	X	X		
2	Payment of Required Application and Escrow Fees (19:66-3.4)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
6	Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any.	X	X		
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
8	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk's Office, affidavit or other documentation evidencing ownership.)	X	X		
9	Consent of property owner to applicant to development project.	X	X		
10	FOR ADMINISTRATIVE REVIEW AND APPROVAL: Certification from Applicant's licensed professional that the development proposed meets all requirements and no variance or design waivers are requested. (19:66-4.6)	X	N/A		
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking requirements, including existing and proposed with conformity status of each.	X	X		

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(ARH File: 24-10040.03)

Page 8

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
13	Public Notice in compliance with NJSA 40:55D-12.	X	X		
14	North arrow, scale and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		
16	Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, beaches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.	X	X		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	X		
18	List of development stages or phases, if any.	X	X		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	X		
20	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. All elevations shall be based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, fences, stoops, stairs, porches,	X	X		



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(ARH File: 24-10040.03)

Page 9

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc. Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.				
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X	N/A		
22	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.	X	X		
23	Grading plan depicting direction of flow of surface run-off, spot elevations, contours within 1 foot intervals, stormwater management structures.	X	Applicant shall add a note stating that all handicap ramps and parking must ensure ADA compliance.		
24	Landscaping Plan, details and plant schedule (19:66-7.6)	X	X		
25	Lighting plan and details (19:66-7.10)	X	Applicant shall ensure new parking area meets		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
			lighting requirements		
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X	N/A		
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable and electricity and showing proposed connections to existing or any proposed utility systems.	X	N/A		
28	Road and paving cross-sections and profiles.	X	N/A		
29	Solid and liquid waste management plan.	X	N/A		
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X	N/A		
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	N/A		
32	Estimate of costs of on-site and off-site improvements [19:66-3.4 (b)]	X	X		Conditional Approval
33	Electronic copy of the full application including application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		
34	Performance guarantee [19:66-3.4 (b)]	X	WD		Conditional Approval
35	Maintenance guarantee (19:66-16.3)	X	WD		Conditional Approval
36	Inspection Fees (19:66-16.1)	X	WD		Conditional Approval

WD = The applicant respectfully requests to defer these items to become a condition of approval.

The following addresses conformance with the CRDA's list of Required Application items for Major Preliminary Site Plan Checklist (Form #6), Major Final Site Plan Checklist (Form #7), and does not reflect adequacy of submissions for review purposes. The correct number of copies are assumed to have been submitted. Column entries reflect **ARH's** review of Applicant's submissions.

The application package has requested submission waivers for several items in the Major Site Plan checklists.

## **V. ENGINEERING REVIEW**

### A. Site Plan – Information Sheet

1. Variances Requested list shall be updated to reflect all variances required for this application, the following are missing from the list:
  - i. While there is an existing non-conformance impervious coverage (82% existing), the current application exceeds this value (84.7% proposed); a variance is required.
  - ii. The height of the proposed building exceeds 35' which means the front yard and side yard setbacks are not being met; a variance is required.

The application shall also update the Zoning Schedule as necessary.

2. The Zoning Schedule states the proposed building is 40' in height, however the architectural plans state the building is 43' in height, please clarify which overall height is correct and update the documents as appropriate.

### B. Lighting Plan

1. The Applicant shall provide foot candle lighting area details for all proposed lights.
2. Additionally, lighting information shall be added for all sidewalk and entertainment areas.

## **VI. COFONE CONSULTING REVIEW**

### A. Zoning Compliance

The property is located in the Resort Commercial (RC) District. As stated at CRDA Land Development Rules Section at N.J.A.C. 19:66-5.10, the purpose of the RC District is as follows:

The purpose of the RC Resort Commercial District is to provide an array of land uses that will capitalize on the zoning district's geographical advantages of the zoning district's proximity to the boardwalk and the Atlantic Ocean. The Resort Commercial District also offers the highest intensity residential offerings within the Tourism District with a variety of supportive commercial and services uses. The vision is to create an environment where residential and resort offerings seamlessly integrate.

### B. Master Plan Review

The subject property is located within the Atlantic City Tourism District. Pursuant to the New Jersey CRDA Atlantic City Tourism District Master Plan, the overall intention and vision is to "reinvigorate Atlantic City in the near-term as the leading resort destination in the Northeast and beyond (Page 4, New Jersey CRDA Atlantic City Tourism District Master Plan). Among others, overarching objectives are to "develop an economically viable and sustainable tourism district" and "[expand] Atlantic City's tourism and economic bases" (Id, Page 1-2).

C. Planning Analysis and Issues for Consideration by the Board

In regard to the “c” variance, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just to the applicant or property owner. A “c” variance application also must address the “negative criteria.”

We offer the following for your consideration in reviewing the Application:

- 1) The Applicant’s professional planner shall provide the required statutory proofs for the proposed front yard setback, side yard setback, rear yard setback, and impervious coverage variances.
- 2) The Applicant’s professional planner shall discuss the required variances in the context of the site layout and the consistency with the land uses in the area.
- 3) The Applicant shall provide testimony how the Application will advance the intent of the New Jersey CRDA Atlantic City Tourism District Master Plan and the Tourism District.

**VII. POST APPROVAL CONSIDERATIONS**

Should the Board grant the desired approvals for this Application, Applicant, and/or its professionals must:

- A. *Make all appropriate plan revisions as directed by the Board.***
- B. *Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature, or the issuance of building permits, as applicable.***
- C. *Approvals from outside agencies as applicable.***

Any resubmissions in response to this report should be accompanied by a point-by-point response to all items. To facilitate the Board's decision-making process, Applicants are strongly encouraged to resolve as many items as possible prior to the hearing on this matter.

Respectfully Submitted,

**ARH ASSOCIATES**

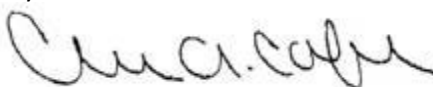
By



Kathryn Cornforth, PE/CME  
CRDA Consulting Engineer

**COFONE CONSULTING GROUP**

by



Christine A. Nazzaro-Cofone, AICP, PP  
CRDA Consulting Planner

cc: Lance B. Landgraf, Jr., P.P., AICPM, Director, Planning & Development

KEC/mss

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